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## THE SUSTAINABLE DEVELOPMENT GOALS (SDGS) AS DRAFTED: NICE IDEA, POOR EXECUTION\*

Thomas Pogge<sup>†</sup> & Mitu Sengupta<sup>†</sup>

*Abstract:* The United Nations General Assembly (UNGA) is scheduled to adopt its 2015-2030 development agenda in September 2015: the Sustainable Development Goals. The United Nations Open Working Group (OWG) on the SDGs set a draft of this agenda before the UNGA in September 2014. Despite clear positives, this draft fails to take advantage of the SDGs' non-binding and aspirational nature to encourage global leaders to set aside short-term gain in order to invest in a sustainable future. Specifically, the draft ought to identify actors responsible for specific achievements, to envision structural reforms in the global institutional order, to provide for objective and precise progress measurement, and to include stronger human rights language. In addition, particular goals and their means of implementation should be redrafted or strengthened to ensure that they project their full moral force and appeal. A better pact is possible; the UNGA must adopt goals reflecting a genuine commitment to a livable future for all.

### I. INTRODUCTION

The Sustainable Development Goals (“SDGs”), to be adopted in 2015 by the United Nations General Assembly (UNGA) as part of its development agenda,<sup>1</sup> are meant to guide global development efforts over the next fifteen years, between 2015 and 2030. They replace the Millennium Development Goals (“MDGs”), which held sway during 2000 to 2015.<sup>2</sup> In order to forge a widely acceptable formulation of the SDGs, the UNGA instituted the Open Working Group (“OWG”) in January 2013.<sup>3</sup> This group completed its mandate by publishing a draft text with seventeen goals and 169 targets, which was placed before the UNGA in September 2014 to serve as the basis for intergovernmental negotiations leading up to the September 2015 summit for the adoption of the post-2015 UN development agenda.<sup>4</sup>

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\* This essay is based on an analysis of the SDG draft that the authors composed for Academics Stand Against Poverty (“ASAP”) ([www.academicsstand.org](http://www.academicsstand.org)). We are grateful to Washington International Law Journal for making our critical thoughts available to a broader audience.

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<sup>1</sup> *United Nations Summit to adopt the post-2015 development agenda*, SUSTAINABLE DEVELOPMENT KNOWLEDGE PLATFORM, <http://sustainabledevelopment.un.org/post2015/summit> (last visited Feb. 7, 2015).

<sup>2</sup> See Background to the Millennium Development Goals, THE UNITED NATIONS, <http://www.un.org/millenniumgoals/bkgd.shtml> (last visited Feb. 7, 2015).

<sup>3</sup> Introduction to the Open Working Group, THE UNITED NATIONS, <https://sustainabledevelopment.un.org/owg.html> (last visited Feb. 7, 2015).

<sup>4</sup> See THE OPEN WORKING GROUP, OPEN WORKING GROUP PROPOSAL FOR THE SUSTAINABLE DEVELOPMENT GOALS, *available at*

Like the MDGs, the SDGs are to be a statement of aspirations, and a voluntary agreement rather than a binding treaty.<sup>5</sup> This is a disadvantage as far as the prospects for compliance are concerned. But it is also an opportunity. When no legally binding obligations are at stake, states may be willing to adopt an agenda that is more ambitious in scope and vision. And formulating such a common vision for 2030 can raise the gaze of politicians and officials beyond short-term political advantage or narrowly defined national interest and can lead them to think imaginatively about that cosmopolis of the future whose foundations are now being shaped in this early stage of globalization.

Despite some clear positives, however, the draft fails to take advantage of its position as a non-binding statement of aspirations. It does not fulfill its self-proclaimed purpose of inspiring and guiding a concerted international effort toward global development and the eradication of severe poverty. This article argues that changes should be made to embolden the SDGs' moral power and appeal. Part II of this article reviews how the draft generally falls short of its potential by failing to indicate what each goal

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<https://sustainabledevelopment.un.org/content/documents/1579SDGs%20Proposal.pdf> [hereinafter OPEN WORKING GROUP PROPOSAL]. The OWG's proposed goals are:

- Goal 1: End poverty in all its forms everywhere
- Goal 2: End hunger, achieve food security and improved nutrition and promote sustainable agriculture
- Goal 3: Ensure healthy lives and promote well-being for all at all ages
- Goal 4: Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all
- Goal 5: Achieve gender equality and empower all women and girls
- Goal 6: Ensure availability and sustainable management of water and sanitation for all
- Goal 7: Ensure access to affordable, reliable, sustainable and modern energy for all
- Goal 8: Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all
- Goal 9: Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation
- Goal 10: Reduce inequality within and among countries
- Goal 11: Make cities and human settlements inclusive, safe, resilient and sustainable
- Goal 12: Ensure sustainable consumption and production patterns
- Goal 13: Take urgent action to combat climate change and its impacts
- Goal 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development
- Goal 15: Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss
- Goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels
- Goal 17: Strengthen the means of implementation and revitalize the global partnership for sustainable development.

<sup>5</sup> See Description of the Rio+20's Mandate for the Sustainable Development Goals, SUSTAINABLE DEVELOPMENT KNOWLEDGE PLATFORM, <http://sustainabledevelopment.un.org/?menu=1300> (last visited Feb. 7, 2015).

demands from various competent actors, by failing to call for transformative change in the international institutional order, by failing to include stronger human rights language and by failing to provide objective and precise measures to track progress. Part III reviews some specific goals and recommends how they should be redrafted to ensure performance and concrete results. Redrafting the SDGs would help the goals attain moral force and appeal, inspiring national leaders and multinational organizations to think broadly and creatively about the global future.

## II. RECOMMENDATIONS GENERALLY

In this part we will show how the SDGs can be further improved by clarifying burdens of performance, prioritizing structural reforms of the global institutional order, and including stronger human rights language.

### A. *The New Goals Should Clarify Specifically Who Will Bear What Burdens of Execution; They Should Clearly Specify the Responsibilities of Competent Agents.*

Accountability is the key to effective development goals.<sup>6</sup> While the SDGs include goal-specific means of implementation (“MOI”),<sup>7</sup> they fail to specify who is responsible for each proposed goal and who is supposed to do what to get each goal accomplished. Without detailing such specific responsibilities, the proposed SDGs leave too much of the work to the poorer countries and remain a mere wish list with little moral force.<sup>8</sup>

For example, Target 5.1—“End all forms of discrimination against all women and girls everywhere”—fails to identify to whom this instruction is directed. It fails to specify or to distinguish among the efforts required from states acting domestically, states acting beyond their own borders, and multinational enterprises. Similarly, Target 2.1—“By 2030, end hunger and ensure access by all people, in particular the poor and people in vulnerable situations, including infants, to safe, nutritious and sufficient food all year

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<sup>6</sup> See generally United Nations Human Rights, *Who Will be Accountable? Human Rights and the Post-2015 Development Agenda* (2013), available at <http://www.ohchr.org/Documents/Publications/WhoWillBeAccountable.pdf>.

<sup>7</sup> For a review of some of the discussion involved in developing these MOI, see *OWG on SDGs discusses Means of Implementation*, UN Non-Governmental Liaison Service, [http://www.un-ngls.org/spip.php?page=article\\_s&id\\_article=4383](http://www.un-ngls.org/spip.php?page=article_s&id_article=4383) (last visited Feb. 7, 2015).

<sup>8</sup> “Achievement of the Millennium Development Goals has been hampered by the ad hoc and voluntary character of their information disclosure, monitoring and reporting mechanisms.” United Nations Human Rights, *supra* note 6.

round”—also fails to formulate and to specify responsibilities. Without holding particular actors accountable, the most capable agents best placed to advance the objective will also be the parties best able to divert attention away from themselves.<sup>9</sup> As a result, the poorest nations might be blamed for failing to reduce their hunger rate down from 60 percent to 30 percent, for example, while an upper-middle-income country prides itself on having accomplished the much less demanding task of reducing its hunger rate from 0.6 percent to 0.3 percent.

This kind of inequitable allocation of burdens and blame is precisely what happened with the MDGs, where the poorest countries were blamed for not reducing their huge deprivation rates fast enough.<sup>10</sup> If repeated, this deficiency stands to undermine the moral authority and success of the new agenda.

*B. The SDGs Should Call for Structural Reforms of the Global Institutional Order.*

The OWG draft contains only a few passing references to institutional reforms that could diminish the headwinds facing the poor, although such reforms are crucial for the achievement of every goal. The draft thus misses a crucial opportunity to question and reform such unjust arrangements. Official and non-governmental development assistance can indeed substantially improve the trends in global poverty and income inequality<sup>11</sup>; but they cannot fully neutralize the centrifugal tendencies produced by the ordinary operation of the world economy as presently structured.

For example, the draft says little about illicit financial flows, which are known to aggravate oppression and poverty worldwide and which dwarf the flow of international development assistance.<sup>12</sup> An earlier version of the

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<sup>9</sup> “The absence of clearly defined duties and responsibilities has made it easier for Governments and other actors to abdicate responsibility and blame others for underperformance.” *Id.* at 4.

<sup>10</sup> See, e.g., Matthew Clarke & Simon Feeny, *Old Challenges and New Opportunities for the MDGs: Now and Beyond 2015*, 16 J. ASIA PACIFIC ECON. 509, 512-13 (2011); see also William Easterly, *How the Millennium Development Goals are Unfair to Africa*, 37 WORLD DEV. 26, 26 (2009); Mac Darrow, *The Millennium Development Goals: Milestones or Millstones? Human Rights Priorities for the Post-2015 Development Agenda*, 15 YALE HUM. RTS. & DEV. L.J. 55, 65-66 (2012).

<sup>11</sup> See generally IAN GOLDIN, HALSEY ROGERS, & NICHOLAS STERN, WORLD BANK, *THE ROLE AND EFFECTIVENESS OF DEVELOPMENT ASSISTANCE: LESSONS FROM THE WORLD BANK EXPERIENCE* (2002), available at <http://siteresources.worldbank.org/DEC/Resources/roleofdevelopment.pdf>.

<sup>12</sup> The relevant Target 16.4 is quite vague and general: “By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime.” OPEN WORKING GROUP PROPOSAL, *supra* note 4. On the great importance of the problem, see *Illicit Financial Flows*, GLOBAL JUSTICE PROGRAM,

OWG draft had included a stand-alone target for global cooperation to reduce international tax dodging,<sup>13</sup> but this target was drastically cut back in the final revision of the draft, which now only calls broadly for a reduction in “illicit financial and arms flows” (Target 16.4) and for cooperation toward improving poor countries’ capacity for tax and revenue collection (Target 17.1). The draft does not specify who is supposed to reduce those flows and who is supposed to engage in this cooperation.

Any serious attempt to render our financial system less conducive to illicit financial flows must insist on stand-alone targets that name responsible agents and specify their tasks. The SDGs should call on governments to mandate i) disclosure of the ultimate beneficial owners of companies and the controlling parties of trusts and foundations, ii) public country-by-country reporting of profits and other tax-relevant information by multinational enterprises,<sup>14</sup> iii) automatic exchange of tax-relevant financial information by national tax authorities worldwide, iv) public reporting on funds paid to governments for the extraction of natural resources and on the use of those funds, and v) tough sanctions, including jail time, for professionals who facilitate illicit financial flows, such as senior officers from global banks, accounting firms, law firms, insurance companies, and hedge funds. In addition, the SDGs should call on governments to commit to vi) harmonizing anti-money laundering regulations internationally and vii) carrying out clear, reliable, frequent and timely public fiscal reporting, as well as opening up their fiscal policy-making process to public participation.<sup>15</sup>

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<http://www.yale.edu/macmillan/globaljustice/DirtyMoney.html> (last visited Feb. 7, 2015); see also AFRICA RENEWAL, *Illicit Financial Flows from Africa: track it, stop it, get it*, <http://www.un.org/africarenewal/magazine/december-2013/illicit-financial-flows-africa-track-it-stop-it-get-it> (last visited Feb. 7, 2015).

<sup>13</sup> See MAJOR GROUPS AND OTHER STAKEHOLDERS INCLUDING CITIZENS’ RESPONSES TO MY WORLD 6 PRIORITIES, FINAL COMPILATION OF AMENDMENTS TO GOALS AND TARGETS 24 (July 2014), available at <http://sustainabledevelopment.un.org/content/documents/4438mgscompilationowg13.pdf> [hereinafter FINAL COMPILATION OF AMENDMENTS TO GOALS AND TARGETS].

<sup>14</sup> See United Nations Economic Commission for Africa, *Progress Report of the High-Level Panel on Illicit Financial Flows from Africa*, U.N. Doc E/ECA/CM/47/6 (Mar. 3, 2014) 8 (2014), available at [http://www.taxjusticeafrica.net/sites/default/files/Progress%20report%20of%20the%20High-level%20Panel%20on%20IFFs%20-%20March%202014%20\(1\).pdf](http://www.taxjusticeafrica.net/sites/default/files/Progress%20report%20of%20the%20High-level%20Panel%20on%20IFFs%20-%20March%202014%20(1).pdf).

<sup>15</sup> These were among the leading demands that emerged from a crowd-funded Delphi study that ASAP completed with a panel of twenty-six leading experts. See *Policy Options for Addressing Illicit Financial Flows: Results from a Delphi Study*, ACADEMICS STAND AGAINST POVERTY (Sept. 4, 2014), <http://academicsstand.org/2014/09/policy-options-for-addressing-illicit-financial-flows-results-from-a-delphi-study/>. See generally THE INTERNATIONAL BAR ASSOCIATION’S HUMAN RIGHTS INSTITUTE (IBAHRI) TASK FORCE ON ILLICIT FINANCIAL FLOWS, POVERTY AND HUMAN RIGHTS, TAX ABUSES, POVERTY AND HUMAN RIGHTS (2013), available at [http://www.ibanet.org/Human\\_Rights\\_Institute/TaskForce\\_IllicitFinancialFlows\\_Poverty\\_HumanRights.as](http://www.ibanet.org/Human_Rights_Institute/TaskForce_IllicitFinancialFlows_Poverty_HumanRights.as)

Structural reform is also the best way of solving the problem of heavily indebted countries. The populations of many poor countries are burdened by large debts accumulated by their rulers for purposes that were not approved by or beneficial to the country's population. Rather than merely help such populations cope with their unsustainable debt burdens, we ought to change the rules so that such loans are recognized and enforced as genuine national obligations only if the borrowing government was recognized, at the time the loan was made, as legitimately representative of the country's people. Lenders and their home countries should not be allowed to exert pressure on countries to service debts incurred by previous rulers who were not so recognized.<sup>16</sup>

C. *The New Development Agenda Should Include Strong Human Rights Language.*

The new agenda does not emphasize the imperative to respect, protect, and fulfill human rights, nor recognize their universality, indivisibility, and interdependence.<sup>17</sup> Given that the SDGs are non-binding and aspirational in nature, it should not be too hard to get governments to agree to include strong, human rights-affirming language.<sup>18</sup>

One problem of the SDG draft is that basic rights that could have been characterized as human rights are not characterized as such. Thus, access to water, sanitation, and food,<sup>19</sup> as included in Goals 2 and 6, are not framed as human rights. And, contrary to the aspirations of women's groups worldwide, Goal 5—the gender equality goal—does not identify the

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px; see also ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT, ILLICIT FINANCIAL FLOWS FROM DEVELOPING COUNTRIES: MEASURING OECD RESPONSES (2014), available at [http://www.oecd.org/corruption/Illicit\\_Financial\\_Flows\\_from\\_Developing\\_Countries.pdf](http://www.oecd.org/corruption/Illicit_Financial_Flows_from_Developing_Countries.pdf); *Illicit Financial Flows*, GLOBAL FINANCIAL INTEGRITY, <http://www.gfintegrity.org/issue/illicit-financial-flows/> (last visited Feb. 7, 2015).

<sup>16</sup> For more on how to institutionally constrain the international borrowing privilege, see THOMAS POGGE, WORLD POVERTY: COSMOPOLITAN RESPONSIBILITIES AND REFORMS 63-68 (2008).

<sup>17</sup> See Liz Ford, *Mary Robinson: Climate, human rights key to new development goals*, THE GUARDIAN (Sept. 26, 2013), <http://www.theguardian.com/global-development/2013/sep/26/climate-change-human-rights-development-goals>; see also *Human Rights and the Post-2015 Development Agenda*, UNITED NATIONS HUMAN RIGHTS, <http://www.ohchr.org/EN/Issues/MDG/Pages/MDGPost2015Agenda.aspx> (last visited Feb. 7, 2015).

<sup>18</sup> See UNITED NATIONS HUMAN RIGHTS, *supra* note 6, at 64.

<sup>19</sup> The right to food is a human right codified in The International Covenant on Economic, Social, and Political Rights, Art. 11, and there is a United Nations Special Rapporteur on the right to food. See *Special Rapporteur on the right to food*, UNITED NATIONS HUMAN RIGHTS, <http://www.ohchr.org/EN/Issues/Food/Pages/FoodIndex.aspx> (last visited Feb. 20, 2015).



empowerment of women and girls as a human rights issue.<sup>20</sup> Furthermore, important goals are not framed in universal terms, but in terms of what is “nationally appropriate.” For example, rather than demand universal social protection floors for Goal 1, to “[e]nd poverty in all its forms everywhere,” proposed Target 1.3 calls for “nationally appropriate social protection systems and measures for all, including floors.”

It is perhaps understandable that strong human rights language and a universal or zero target approach for all minimum core economic and social rights obligations have been carefully avoided in the formulation of the new goals. At various sessions of the OWG, developing countries, concerned that they would not be able to meet the burden of “zero goals”, argued for the inclusion of nationally-determinable targets and language on respecting national policy space (Target 17.15).<sup>21</sup> This is a legitimate worry, as “zero goals” could be used to name, shame, and blame them. However, the solution is not to dilute the SDGs by aiming for whatever is feasible with national resources. Instead, the SDGs should specify the responsibilities of wealthy countries and enterprises in relation to these goals and should identify what they must do to reduce impediments and to increase assistance so that human rights can be realized even in the poorest countries.

*D. To Ensure Honest and Meaningful Measurement of Progress, Definitions and Methods Must be Precisely Specified and Locked in in Advance, and Tracking Must be Entrusted to an International Group of Reliable Independent Experts Rather than to Politically Exposed Intergovernmental Agencies.*

The new agenda will be worth very little without reliable measures of progress toward the objectives. While poverty may indeed have declined in

<sup>20</sup> “The human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights. The full and equal participation of women in political, civil, economic, social and cultural life, at the national, regional and international levels, and the eradication of all forms of discrimination on grounds of sex are priority objectives of the international community.” World Conference on Human Rights, June 14-25, 1993, *Vienna Declaration and Programme of Action*, ¶18, U.N. Doc. A/CONF.157/23 (July 12, 1993). “All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.” Universal Declaration of Human Rights, G.A. Res. 217 (III) A, ¶7, U.N. Doc. A/RES/217(III) (Dec. 10, 1948); *see also* Convention on the Elimination of All Forms of Discrimination Against Women, Dec. 18, 1979, 1249 U.N.T.S. 20378 (entered into force Sept. 3, 1981).

<sup>21</sup> *See, e.g.,* Bhumika Muchhala, *United Nations: Varying Visions and Priorities at SDG Working Group*, SOUTH-NORTH DEVELOPMENT MONITOR (SUNS) 7548, Mar. 19, 2013, available at <http://www.twm.my/title2/unsd/2013/unsd130302.htm>.



the last twenty-five years,<sup>22</sup> the trend depends heavily on the definitions and methods used for measurement, and the actual decline in impoverishment around the world is more suspect.<sup>23</sup> For example, the World Bank has defined poverty ever more narrowly by replacing the original purchasing power parity threshold of USD 1.00 per person per day in 1985 US dollars (as referenced in the UN Millennium Declaration and in MDG-1) with a lower threshold of USD 1.08 per person per day in 1993 US dollars and then with an even lower threshold of USD 1.25 person per day in 2005 US dollars.<sup>24</sup> This has led to a much steeper decline in official poverty, as can be seen from the World Bank's own trend numbers for different poverty lines.<sup>25</sup> Defining poverty in terms of daily expenditure with the absurdly low purchasing power of USD 1.25, the Bank calculates that poverty has fallen by 61 percent: from 43.45 percent of the population of the developing countries in 1990 to 16.99 percent in 2011.<sup>26</sup> Had the Bank chosen a more adequate poverty line reflecting daily purchasing power of USD 3.00, it would find that poverty has fallen by less than 31 percent: from 76.29 percent in 1990 to 52.80 percent in 2011.<sup>27</sup>

Wide discretion is also enjoyed by the UN Food and Agriculture Organization ("FAO"), which in 2012 has managed to transform a steadily rising undernourishment trend into a steadily falling one by introducing an "improved methodology," which counts as undernourished only those whose caloric intake is "inadequate to cover even minimum needs for a sedentary lifestyle" for "over a year."<sup>28</sup> This definition of the undernourished excludes those who suffer other nutritional deficits (protein, vitamins, minerals and

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<sup>22</sup> Press Release, World Bank, Remarkable Declines in Global Poverty but Major Challenges Remain (Apr. 17, 2013), <http://www.worldbank.org/en/news/press-release/2013/04/17/remarkable-declines-in-global-poverty-but-major-challenges-remain>.

<sup>23</sup> For the sobering assessment of one co-architect of the MDGs, see Jan Vandemoortele, *On Irrational Exuberance about MDG Progress* (2002), <http://www.beyond2015.org/sites/default/files/On%20irrational%20exuberance%20about%20MDG%20progress.pdf>.

<sup>24</sup> See THOMAS POGGE, *POLITICS AS USUAL: WHAT LIES BEHIND THE PRO-POOR RHETORIC* 65-68 (2010).

<sup>25</sup> See the World Bank's poverty website, *PovcalNet*, WORLD BANK, <http://iresearch.worldbank.org/PovcalNet/> (last visited Feb. 20, 2015).

<sup>26</sup> See World Bank's Regional Aggregation, *PovcalNet*, WORLD BANK, <http://iresearch.worldbank.org/PovcalNet/index.htm?1> (last visited Feb. 20, 2015).

<sup>27</sup> See *Id.* For more extensive discussions, see POGGE, *supra* note 24, at 63-68, and Thomas Pogge, *Poverty, Hunger and Cosmetic Progress*, in *THE MILLENNIUM DEVELOPMENT GOALS AND HUMAN RIGHTS: PAST, PRESENT AND FUTURE* 209 (Malcolm Langford, Andy Sumner, & Alicia Ely Yamin, eds., 2013).

<sup>28</sup> FOOD AND AGRIC. ORG. OF THE U.N., *THE STATE OF FOOD INSECURITY IN THE WORLD 2012: ECONOMIC GROWTH IS NECESSARY BUT NOT SUFFICIENT TO ACCELERATE REDUCTION OF HUNGER AND MALNUTRITION*, 50 (2012), available at <http://www.fao.org/docrep/016/i3027e/i3027e.pdf>.

other micronutrients)<sup>29</sup> and those who are not adequately nourished by the sedentary diet because they must do serious physical work in their home or for a living. Opportunities for these kinds of midway methodological revisions with the benefit of hindsight invite abuse and distrust. Such opportunities divert efforts toward achieving merely cosmetic progress and undermine the credibility and moral authority of UN goals and UN agencies.

In order to ensure that progress made towards the SDGs remains credible, definitions and measurement methods must be locked in for the full fifteen-year period that the SDGs are meant to govern. Additionally, the measurement of progress should not be entrusted to organizations that are politically exposed or motivated,<sup>30</sup> like the FAO or the World Bank, both of which are run by government appointees and depend on governments' good will and funding. Instead, progress should be tracked by an independent agency—for example an international group of independent high-level academic experts.

### III. RECOMMENDATIONS FOR IMPROVING SPECIFIC GOALS

Various specific goals are flawed in important ways. In this part we will highlight what seem to us the most important such defects.

- A. *To Realize the Full Potential of Goal 1, “End poverty in all its forms everywhere,” the Goal Should Include Measures of Poverty Other than the Income-based Measure of USD 1.25 per Day and Specify Structural Reforms that Would Reliably end Poverty.*

There is a welcome shift in the proposed agenda's flagship poverty goal from the language of reduction to that of eradication and from the focus on poverty and hunger to that of “poverty in all its forms.” However, no measure of poverty, other than the money-metric one of USD 1.25 per day (2005 purchasing power) is mentioned.<sup>31</sup> This income-based measure fails to capture many of the hardships that constitute poverty in the real world, such as child labor, chronic undernourishment, illiteracy, exposure to violence, and lack of access to safe drinking water, shelter, sanitation,

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<sup>29</sup> See generally MICRONUTRIENT INITIATIVE, <http://micronutrient.org> (last visited Feb. 4, 2015).

<sup>30</sup> See UNITED NATIONS HUMAN RIGHTS, *supra* note 6, at 42-43.

<sup>31</sup> U.N. DEP'T. OF ECON. & SOC. AFFAIRS, RETHINKING POVERTY: REPORT ON THE WORLD SOCIAL SITUATION 2010 at 1, U.N. DOC. ST/ESA/324, U.N. Sales No. E.09.IV.10 (2010), available at <http://www.un.org/esa/socdev/rwss/docs/2010/fullreport.pdf>. For a review of some of the intricacies involved in determining poverty lines, see *id.* at 50-62.

electricity, and essential medicines.<sup>32</sup> Sidelining these dimensions contradicts the language of ending poverty “in all its forms everywhere” in the goal’s title.

Such ambitious language is also undermined by the MOIs associated with this goal because they make no reference to structural reforms that would contribute to tackling the root causes of poverty. Structural reforms that could be framed as MOIs for this goal should include cancelling the external debt of Highly Indebted Poor Countries<sup>33</sup> and curtailing tax dodging opportunities.<sup>34</sup>

*B. The Broad Goal 10, “Reduce Inequality Within and Among Countries,” Must be Appropriately Specified and Made to Pervade the Entire Document.*

The stand-alone goal to reduce inequality is an important addition to the post-2015 agenda and vital to its success.<sup>35</sup> It must not be cut from the

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<sup>32</sup> “Economic growth does not necessarily translate into improvements in education, health and nutrition outcomes. In other words, high income levels and economic growth acceleration do not by themselves guarantee improvements in non-income dimensions of material well-being.” U.N. DEV. PROGRAMME (UNDP), *HUMANITY DIVIDED: CONFRONTING INEQUALITY IN DEVELOPING COUNTRIES* 150 (2013), available at [http://www.undp.org/content/dam/undp/library/Poverty%20Reduction/Inclusive%20development/Humanity%20Divided/HumanityDivided\\_Full-Report.pdf](http://www.undp.org/content/dam/undp/library/Poverty%20Reduction/Inclusive%20development/Humanity%20Divided/HumanityDivided_Full-Report.pdf). Recent efforts have focused on constructing poverty measures that are sensitive to a wide array of diverse deprivations. See, e.g., OXFORD POVERTY AND HUMAN DEVELOPMENT INITIATIVE (“OPHI”), [www.ophi.org.uk](http://www.ophi.org.uk) (discussing the Multi-Dimensional Poverty Index (“MPI”) developed by Sabina Alkire and her collaborators at the Oxford Poverty and Human Development Initiative); see also SCOTT WISOR, SHARON BESSELL, FATIMA CASTILLO, JOANNE CRAWFORD, KIERAN DONAGHUE, JANET HUNT, ALISON JAGGAR, AMY LIU & THOMAS POGGE, *THE INTERNATIONAL WOMEN’S DEVELOPMENT AGENCY, THE INDIVIDUAL DEPRIVATION MEASURE: A GENDER-SENSITIVE APPROACH TO POVERTY MEASUREMENT* (2014), available at <http://www.yale.edu/macmillan/globaljustice/The-IDM-Report1.pdf> (formulating and defending the Individual Deprivation Measure); *Individual Deprivation Measure*, INTERNATIONAL WOMEN’S DEVELOPMENT AGENCY, [www.iwda.org.au/research/individual-deprivation-measure](http://www.iwda.org.au/research/individual-deprivation-measure) (last visited Feb. 21, 2015).

<sup>33</sup> See INTERNATIONAL MONETARY FUND, *DEBT RELIEF UNDER THE HEAVILY INDEBTED POOR COUNTRIES INITIATIVE*, <https://www.imf.org/external/np/etr/facts/hipc.htm> (last visited Feb. 7, 2015).

<sup>34</sup> Press Release, ASAP, UN Goals Should Do More to Curb Tax Dodging that Has Cost Poor Countries Trillions (June 20, 2014), <http://academicsstand.org/2014/06/press-release-un-goals-should-do-more-to-curb-tax-dodging-that-has-cost-poor-countries-trillions/>.

<sup>35</sup> See generally Sakiko Fukuda-Parr, *Reducing Inequality – The Missing MDG: A Content Review of PRSPs and Bilateral Donor Policy Statements*, 41(1) IDS BULLETIN 26 (2010); see also DEEPAK NAYYAR, UN SYSTEM TASK TEAM ON THE POST-2015 UN DEVELOPMENT AGENDA, *THE MDGs AFTER 2015: SOME REFLECTION ON THE POSSIBILITIES* 12 (2012), available at [http://www.un.org/millenniumgoals/pdf/deepak\\_nayyar\\_Aug.pdf](http://www.un.org/millenniumgoals/pdf/deepak_nayyar_Aug.pdf); QUAISER M. KHAN, JEAN-PAUL FAQUET, CHRISTOPHER GAUKLER, & WENDMSYAMREGNE MEKASHA, WORLD BANK GROUP, *IMPROVING BASIC SERVICES FOR THE BOTTOM FORTY PERCENT: LESSONS FROM ETHIOPIA* (2014), available at [http://eprints.lse.ac.uk/59516/1/Faguet\\_Improving\\_basic\\_services\\_bottom\\_forty\\_percent.pdf](http://eprints.lse.ac.uk/59516/1/Faguet_Improving_basic_services_bottom_forty_percent.pdf).

framework's final draft, nor be submerged under some other goal, such as poverty eradication or economic growth. Many opponents of inequality reduction maintain that we should be concerned with poverty, not inequality. The *Economist* magazine is especially fond of repeating this thought, for example in this classical formulation: "They are quite right, these champions of the world's poor, that poverty in an age of plenty is shameful and disgusting. But they are quite wrong to suppose, as so many of them do, that the rich enjoy their privileges at the expense of the poor . . . Symptomatic of this mindset is the widespread and debilitating preoccupation with 'global inequality'. Whenever the United Nations and its plethora of associated agencies opine about the scandal of world poverty, figures on inequality always pour forth."<sup>36</sup>

To defend a standalone inequality goal against such critique, one can appeal to what the objection concedes: that we ought to be concerned with severe poverty and deprivations. Poverty is connected to inequality in two ways: mathematically and politically. The mathematical connection is straightforward: other things equal, if the rich have more, the poor must have less. To be sure, the total size of the pie is not strictly fixed. Humanity can bring more land under cultivation, extract more natural resources, increase aggregate life stock, and burn more fossil fuel. But these potential increases are limited and they also entail costs that, in the long run, may lead to net reductions in the pie. Given these limits, more for some tends to restrict access for others. There is only so much land on this planet, for instance. If rich people pay for land to be used for playing golf or to produce the beef they wish to eat, then this will make land scarcer and more expensive. This in turn will reduce the supply of land for uses essential to poor people, thus increasing what the poor must pay for rice, beans, fruits, and vegetables. Likewise, the supply of fossil fuels on this planet is finite. If rich people consume massive amounts thereof, then such fuels will become scarcer and more expensive. This in turn will impede poor people's access to energy and will also burden them with the already severe effects of carbon pollution, which can be expected to become even more of a burden on the poor in the decades to come.

The mathematical connection can be brought out also in relation to the distribution of growth. There is a limit to the real per capita economic growth humanity can sustainably achieve on this planet—maybe 2 percent per annum (a little more in the developing world and a little less in the

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<sup>36</sup> See Editorial Staff, "A Question of Justice?", *THE ECONOMIST*, Mar. 13, 2004, available at <http://www.economist.com/node/2499118>.

industrialized countries).<sup>37</sup> With this growth equally distributed, it takes thirty-five years for incomes to double in all segments of humanity. But when the share of humanity's poorer half in global household income declines, as it did over the last thirty years, then poverty alleviation proceeds even more slowly. By contrast, if the poorer half's share in global household income could be raised in the SDG period, from currently about 4 percent to 6 percent perhaps, then the doubling of the per capita income of the poorer half would be accomplished much faster: before 2030 already. Given the enormous suffering that poverty undeniably causes in terms of disease, hunger, homelessness, illiteracy, oppression, dependency, and premature deaths,<sup>38</sup> such an acceleration of poverty eradication would seem extremely urgent indeed.

These thoughts bring us to the political connection between inequality and poverty. The distribution of future growth is heavily influenced by the design of national and international economic rules and practices. Because this is well known, such rules and practices are heavily contested by various interested parties, such as industry associations, corporations, banks, hedge funds, and unions, all of which expend substantial efforts on lobbying for rules favorable to themselves. Such lobbying requires resources, and the capacity for successful lobbying is roughly proportional to the resources agents can bring to bear. Even in broadly democratic countries, the poorer segments of the population are often politically marginalized when their share of national household income is small. As a result, the social rules tend to disfavor these segments, causing them to fall farther and farther behind in income, health, education, and social acceptance.<sup>39</sup> A deliberate

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<sup>37</sup> See Global Macroeconomics Team, *Prospects Weekly: Global Economic Prospects report projects that world real GDP growth will moderate to 3.3% in 2011*, WORLD BANK, <http://blogs.worldbank.org/prospects/prospects-weekly-global-economic-prospects-report-projects-that-world-real-gdp-growth-will-moderate> (last visited Feb. 22, 2015) (contains data on real economic growth). To calculate real global economic growth *per capita*, one must diminish these growth rates by subtracting the rate of global population growth, which is currently about 1.14%. See *World Population*, WORLD METERS, <http://www.worldometers.info/world-population/> (last visited Feb. 22, 2015).

<sup>38</sup> See generally U.N. DEV. PROGRAMME, *supra* note 32 (discussing dynamics of inequality and its relationship to education, nutrition, income, gender, and health, and perceptions of inequality). See also Anup Shah, *Poverty Facts and Stats*, GLOBAL ISSUES (Feb. 7, 2015) <http://www.globalissues.org/print/article/26> (discussing the extent of deprivations worldwide).

<sup>39</sup> The United States during the last thirty-five years offers a dramatic example of such a self-reinforcing trend toward greater inequality. Here the income share going to the top 1% of the population has increased from under 9% in the late 1970s to 22.8% in 2012. In the same period, the income share going to the top 0.01% has risen even more dramatically from 0.85% to 5.81%. These 31,000 US residents now have nearly half as much income as the poorer half of their compatriots (155 million people) and more income than the poorest 35% of humanity (2.5 billion people). See Emmanuel Saez & Thomas Piketty,

effort to design economic rules—both national and global—so as to keep inequality within certain bounds can ensure that all human beings have a fair opportunity to fend for their interests in the political realm, that societies remain fundamentally democratic, and that political pressures toward inequality-aggravating rule changes can be resisted.

Appreciating the importance of the inequality goal, it is all the more disheartening to see its point defeated by the grotesque lack of ambition in its primary Target 10.1: “By 2030, progressively achieve and sustain income growth of the bottom 40 per cent of the population at a rate higher than the national average.” This lame target would be achieved even if the income share of the poorest 40 percent continued to shrink for the next fourteen years—so long as it then began to expand at the very end of the SDG period. In view of how enormous inequality has become, globally and in most countries, at the very least the demand should be that the income share of the poorest 40 percent will be substantially higher at the end of the period than at its beginning. A suitable specification of such a target would be to halve, by 2030, each country’s logarithmic distance from a Palma ratio of 1. The Palma ratio is the income share of a population’s richest 10 percent divided by that of its poorest 40 percent.<sup>40</sup> We thus propose that each country should aim, by 2030, to reduce income inequality to the square root of its present Palma ratio. Thus, countries with current Palma ratios of 4, 2.25 and 1.69 would commit to reaching, by 2030, Palma ratios of 2, 1.5 and 1.3, respectively.<sup>41</sup> Countries with current Palma ratios of 1 or below would merely need to remain within this range.

In addition to having its own goal, the concern to avoid excessive inequality should also be integrated into the other goals. Indicators used to

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*Income Inequality in the United States, 1913–1998*, 118(1) QUARTERLY JOURNAL OF ECON. 1 (2003) available at <http://eml.berkeley.edu/~saez/> (tables and figures updated to 2013).

<sup>40</sup> See Alex Cobham & Andy Sumner, *Is It All About the Tails? The Palma Measure of Income Inequality*, (Ctr. for Global Dev., Working Paper No. 343, 2013), available at [www.cgdev.org/sites/default/files/it-all-about-tails-palma-measure-income-inequality.pdf](http://www.cgdev.org/sites/default/files/it-all-about-tails-palma-measure-income-inequality.pdf) (discussing and defending the Palma ratio as a fitting measure of inequality); see also Frederico Cingano, *Trends in Income Inequality and Its Impact on Economic Growth* 36 (OECD Soc., Emp’t and Migration Working Papers, No. 163, 2014), available at <http://dx.doi.org/10.1787/5jxrjnewxv6j-en> (Palma ratio data from various European countries).

<sup>41</sup> Let us illustrate with a hypothetical example. Suppose a country has a Palma ratio of 4, with the richest 10% of its population capturing 40% of national household income and the poorest 40% capturing only 10%. To achieve the envisioned Palma ratio of 2, this country might aim to raise the national income share of the poorest 40% from 10% to 17% while gradually shrinking the income share of the richest 10% from 40% to 34%. At the beginning of the SDG period, the average income of the richest 10% would be 16 times the average income of the poorest 40%. At the end of the SDG period, the average income of the richest 10% would be 8 times the average income of the poorest 40%. The ideal Palma ratio of 1 reflects a situation in which the average income of the richest 10% is 4 times the average income of the poorest 40%.



monitor targets should be disaggregated by relevant categories such as gender, race, ethnicity, religion and geographical area.<sup>42</sup> In keeping with the principle of “leave no one behind,” which was widely endorsed in global consultations on the post-2015 agenda,<sup>43</sup> no target should be considered achieved until it has been met for all relevant segments of a population.<sup>44</sup>

C. *To Strengthen Proposed Goal 13, “Take Urgent Action to Combat Climate Change and its Impacts,” There Should be One or More Targets Aiming to Discourage and Wind Down the Ecologically Most Damaging Modes of Production and Consumption; and This Goal Should be Related to Other Goals and Their Targets.*

The starring role given to the word “sustainable” gives the challenge of climate change a much-deserved central place on the agenda; this place is confirmed by stand-alone Goal 13. The moral power of this goal will depend, however, on the strength of its targets and the effectiveness of its MOIs. The targets for Goal 13 are, unfortunately, conspicuously weak.

First, an important target on investing in low-carbon solutions, which had appeared in earlier OWG drafts,<sup>45</sup> was dropped, and the final version includes no concrete commitment to mitigate climate change itself. Now, not even one target is devoted to discouraging or ending the ecologically most damaging modes of production and consumption, such as coal-fired power plants without carbon sequestration, fracking, beef consumption, and the awarding of—tax-exempt!—frequent flyer miles. To be effective, Goal 13 must single out the most ecologically damaging modes of production and consumption and identify targets relating to them.<sup>46</sup>

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<sup>42</sup> Ramanathan Balakrishnan, Addressing Inequality in the Post 2015 Development Agenda and SDGs, available at [http://www.rcm-asiapacific-un.org/documents/resources/Annex\\_5.pdf](http://www.rcm-asiapacific-un.org/documents/resources/Annex_5.pdf).

<sup>43</sup> See, e.g., UNITED NATIONS STATISTICS DIVISION, COMPENDIUM OF STATISTICAL NOTES FOR THE OPEN WORKING GROUP ON SUSTAINABLE DEVELOPMENT GOALS (OWG) 5, 7 (2014), <http://sustainabledevelopment.un.org/content/documents/3647Compendium%20of%20statistical%20notes.pdf>.

<sup>44</sup> HIGH-LEVEL PANEL OF EMINENT PERSONS ON THE POST-2015 DEVELOPMENT AGENDA, A NEW GLOBAL PARTNERSHIP: ERADICATE POVERTY AND TRANSFORM ECONOMIES THROUGH SUSTAINABLE DEVELOPMENT, EXECUTIVE SUMMARY (2013), available at [http://www.un.org/sg/management/pdf/HLP\\_P2015\\_Report.pdf](http://www.un.org/sg/management/pdf/HLP_P2015_Report.pdf) (“The indicators that track them [the suggested targets] should be disaggregated to ensure no one is left behind and targets should only be considered ‘achieved’ if they are met for all relevant income and social groups.”).

<sup>45</sup> FINAL COMPILATION OF AMENDMENTS TO GOALS AND TARGETS, *supra* note 13, at 21.

<sup>46</sup> Lewis Akenji & Magnus Bengtsson, *Making Sustainable Consumption and Production the Core of the Sustainable Development Goals*, 6(2) SUSTAINABILITY 513-29 (2014), available at <http://www.mdpi.com/2071-1050/6/2/513/htm>; see also Norichika Kanie et al., *Integration and Diffusion in*



Second, there is nothing wrong with reiterating in Goal 13 the United Nations Framework Convention on Climate Change's commitment to "mobilizing jointly USD 100 billion annually by 2020 . . . to address the needs of developing countries in the context of meaningful mitigation actions." But it would have been important to add here that these funds should be raised in a way that discourages the burning of fossil fuels. This could be done, for instance, through a global fee on excessive greenhouse gas (GHG) emissions. Each country could be required to pay a fee starting at USD 2 per ton in 2016 and then rising by USD 2 annually for each ton of CO<sub>2</sub> equivalent above a certain threshold—4 tons per capita in 2016 and gradually declining thereafter. This fee would comfortably raise the promised USD 100 billion by 2020, and it would also increase the price of fossil-fuel based consumption, thereby encouraging both conservation and the development of cleaner energy alternatives such as wind, solar, tidal, and nuclear.

Finally, the adaptation targets included under Goal 13 betray a technocratic approach to climate change, with only slight token efforts to connect this goal to other SDG objectives. Neither contradictions (with goals such as industrialization and economic growth) nor complementarities (with goals such as poverty eradication and inequality reduction) are sufficiently recognized. Identifying the dissonance and harmony of Goal 13 with other goals and their targets is essential to undertaking an honest attempt at mitigating climate change and its impacts.

*D. To Give Meaning to Goal 17, "Strengthen the Means of Implementation and Revitalize the Global Partnership for Sustainable Development," Concrete Responsibilities Must be Specified for the Affluent Countries and International Agencies.*

The new global partnership goal proposed by the OWG, Goal 17, is intended to be a more robust version of the paltry MDG-8, the only MDG that deals directly with the responsibilities of affluent states and international agencies. The absence of measurable targets, indicators, and achieve-by dates for MDG-8 indicates that the MDGs were not founded on a 'global partnership' at all, but were essentially a slate of instructions for the developing countries alone. Goal 17 is certainly more comprehensive than

MDG-8, containing nineteen targets on issues such as finance, technology, trade, data monitoring, and accountability.

Nonetheless, the key defect of MDG-8 also mars Goal 17. The world's most powerful agents—affluent states, international organizations, and multinational enterprises—will once again be shielded from any concrete responsibilities for achieving the development goals when, given their wealth and influence, they ought to be taking the lead in providing the needed resources and in implementing systemic institutional reforms addressing the root causes of poverty. These needed reforms include changing the rules that encourage illicit financial outflows from developing countries or force the poorest countries to pay interest on debts accumulated by previous corrupt and often unelected leaders. Instead, we are treated to rather banal language on the need for “multi-stakeholder partnerships” with private actors and civil society. If Goal 17 fails to hold the world's most influential agents sufficiently accountable for what they owe toward making sustainable development work, the concepts of partnership and universalism remain a smokescreen for extreme global inequalities, thus weakening confidence in the goals.

A strong global partnership goal is essential for maintaining the moral authority of the post-2015 agenda as a whole. The targets for Goal 17 should be re-written to specify the concrete responsibilities of the affluent states in regard to implementing needed global institutional reforms and financing sustainable development. Responsibilities of these two kinds can often be discharged through a single institutional mechanism. For example, to deter and offset the effects of protectionist barriers—which distort trade and diminish trading opportunities for poor populations—rich countries providing subsidies or export credits might commit to paying a share of the value of such subventions into a Human Development Fund.<sup>47</sup>

#### IV. CONCLUSION

It is good that the SDGs and the debate surrounding them have focused attention on development and on the immense deprivations still inflicted upon the poorer half of humanity. Eradicating these deprivations as quickly as we reasonably can is a moral imperative of the highest order. This article highlights the most important changes in the SDG draft—and in

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<sup>47</sup> This share might be 2% in 2016 and then increase by another 2% each year, reaching 30% in 2030. At today's level of subsidies and export credits, this mechanism would raise between USD 6 billion (2016) and USD 90 billion (2030) a year over the SDG period. For comparison, current official development assistance stands at USD 130 billion from all countries.

the prevailing intellectual and practical approaches to poverty eradication—that are necessary for humanity to comply with this moral imperative. Responsibilities for achieving the SDGs must be clearly assigned to competent agents, specifying their respective roles and efforts. Definitions and measurement methods must be fixed in advance and progress be tracked by groups of independent experts. Here the SDGs should recognize as paramount the goal that all human beings have secure access to all their human rights. Doing so requires replacing the absurdly restrictive definitions of extreme poverty (World Bank) and chronic undernourishment (FAO). The SDGs should also set out a clear and accessible measure of inequality (such as the Palma ratio) for tracking progress. And they should, wherever possible, focus attention on structural reforms on the national and supranational levels so as to eradicate the systemic causes for the persistence of severe poverty. These improvements in the current draft are minimally necessary if the SDGs are to be not merely a propaganda exercise but a serious plan for the final eradication of poverty.